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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,964	02/20/2004	Klaus Hertinger	HERTINGER	4407

20151 7590 08/18/2004
HENRY M FEIEREISEN, LLC
350 FIFTH AVENUE
SUITE 4714
NEW YORK, NY 10118

EXAMINER

BAHTA, KIDEST

ART UNIT PAPER NUMBER

2125

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/783,964	Applicant(s) HERTINGER, KLAUS	
	Examiner Kidest Bahta	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/21/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graf (U.S. Patent 5,880,959) in view of Waled (U.S. Patent 6,678,582).

Regarding claims 1, 8, 9 and 14, Graf discloses a programming platform for generating parts programs for a machine tool or production machine (abstract), comprising: a simulator that simulates an effect of the instruction (column 9, lines 52-67); a display for graphically displaying to the user the effect of the instruction in form of a two-dimensional or three-dimensional representation (column 3, lines 31-65; Fig. 3, abstract); the programming platform includes a monitor operating mode wherein an actual view of the machine is graphically displayed during a production process (column 3, lines 31-49); and a collision monitor for monitoring the effect of the instruction with respect to a collision between at least two components selected from the group consisting of machine elements, workpieces and tools (column 4, lines 63-column 5, line 30).

However, Graf fails to disclose an interpreter adapted to receive an instruction from a user.

Waled discloses an interpreter adapted to receive an instruction from a user (column 7, lines 15-25, 52-55);

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Graf with the teachings of Waled for efficiently and accurately programming a robot to drive an end effectors through a series of predetermined points along a desired path monition with respect to a workstation.

Regarding claims 2 and 10, Graf discloses the instruction includes an instruction marked by the user or a program segment of the parts program (column 4, lines 47-57)

Regarding claims 5 and 13, Graf discloses if the collision monitor identifies a collision, a machine movement corresponding to the identified collision is highlighted on the display, and the instruction or instructions causing the collision are displayed on the display in ASCII code and/or by graphically displaying an associated processing step (Column 13, line 65-column 14, line 30).

Regarding claim 6 and 7, Graf discloses the programming platform is selected from the group consisting of a stand-alone system, an online system implemented directly on the machine tool or production machine, and a server system in a networked environment (column 7, lines 20-24); at least one of the interpreter, simulator and collision monitor are integrated in the programming platform (abstract).

3. Claims 3-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graf (U.S. Patent 5,880,959) and Waled (U.S. Patent 6,678,582) as applied to claims 1 and 9 above, and further in view of Hirai (U.S. Patent 5,914,876).

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Regarding claims 3-4 and 11-12, Graf and Waled discloses the limitations of claims 1 and 9; however, Graf and Waled fail to disclose the limitations of claims 5 and 13. Hirai discloses that the limitations of claims 3-4 and 11-12 as follow: the interpreter automatically expands a syntax of an instruction inputted by the user in form of individual characters so as to form a meaningful syntax character sequence if said inputted syntax is unambiguous, or presents the user with at least one possible syntax character sequence to make a selection if said inputted syntax is ambiguous and the interpreter checks the syntax of the instruction each time an instruction is (column 30, lines 31-53; column 32, line 62-column 33, line 15; Fig. 14(a)).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teaching of Graf and Waled with the teachings of Hirai in order to provide a NC which is capable of freely effecting the control of complex machine tool, and effecting processing by redistributing tasks to other units if such becomes necessary.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
5. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (703) 308-6103. The examiner can normally be reached on M-F from 7:00 -4:00 p.m. EST. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard,

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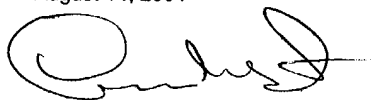
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can be reached (703) 308-0538. Additionally, the fax numbers for Art Unit 2125 are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta

August 14, 2004

A handwritten signature in black ink, appearing to read 'Kidest Bahta', with a large, stylized initial 'K'.